

**DEFENSE INTELLIGENCE AGENCY
REGULATION NO. 35-3**

**HEADQUARTERS, DEFENSE
INTELLIGENCE AGENCY
WASHINGTON, DC 20301
28 August 1980**

COMMUNICATIONS

TELEPHONE MONITORING AND RECORDING

1. **PURPOSE:** To implement policies and procedures concerning telephone monitoring and recording within the Defense Intelligence Agency (DIA) as established by DoD Directive 4640.1.

2. **REFERENCES:**

a. DoD Directive 4640.1, "Telephone Monitoring and Recording," 15 January 1980.

b. Secretary of Defense Multiple-addressee Memorandum, 29 January 1977, subject: Monitoring of Conversations.

c. DASD(A) Multiple-addressee Memorandum, "Telephone Monitoring," 21 July 1977.

d. DIAR 12-12, "Implementation of the Privacy Act of 1974."

e. DIAR 12-39, "Availability to the Public of Department of Defense Information."

f. DIAR 50-4, "Interception of Wire and Oral Communications for Law Enforcement Purposes."

3. **APPLICABILITY:**

a. This regulation applies to all DIA personnel.

b. This regulation is not applicable to the policy governing:

(1) Communications security monitoring and recording.

(2) Signals intelligence activities.

(3) Foreign intelligence and counterintelligence collection activities as set forth in DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect U.S. Persons."

(4) Interception of certain communications as set forth in DoD Directive 5200.24, "Interception of

Wire and Oral Communications for Law Enforcement Purposes," and DIAR 50-4 (same subject).

(5) Control of Compromising Emanations (DoD Directive S-5200.19).

(6) Telephone monitoring during wartime or under combat conditions (DoD Directive 5230.7).

4. **DEFINITIONS:** See enclosure 1.

5. **SUPERSESION:** This regulation supersedes DIAR 35-3, 8 November 1979.

6. **POLICY:**

a. Telephone monitoring or recording for the purposes described in this regulation is permitted provided that the information to be acquired is necessary for the accomplishment of the DIA mission and the information is obtained in compliance with this regulation. Any other telephone monitoring or recording within the DIA beyond that delineated herein is prohibited except when specifically authorized by the Director (DR).

b. Office monitoring and recording of telephone conversations may be conducted for the purpose of making a transcript or summary of the conversation; however, the individual seeking to have the conversation monitored or recorded must have the prior expressed consent of all of the parties to the conversation.

c. Conversations may not be recorded for communications management purposes.

d. Monitoring and recording of Intelligence Center communications is permitted in order to preserve the command and control instructions that direct foreign intelligence efforts. The specific employment of recording devices within the National Military Intelligence Center (NMIC) is subject to the prior authorization of the DR.

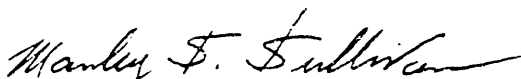
(2) Activities with a mission-directed requirement for telephone monitoring and recording equipment will forward a request containing a statement of specific need for the monitoring or recording device, detailed requirements and justification to the DR, through GC and RCM. The request will also reflect the name and title/position of those individuals who will have access to the equipment when it is in operation.

c. GC.

(1) The GC will provide legal advice and counsel

FOR THE DIRECTOR:

OFFICIAL:



MANLEY S. SULLIVAN
Chief, Publication and
Presentation Division

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Enclosure
Definitions

on questions arising concerning telephone monitoring and recording within the DIA.

(2) GC will provide a legal opinion regarding the conformity to law and applicable regulation of any request pertaining to installation of telephone monitoring and recording equipment within the DIA.

9. RECORDS ADMINISTRATION:

a. All records of information obtained through monitoring activities will be maintained and disseminated in accordance with references d and e.

STANLEY D. WARD
Colonel, USA
Acting Chief of Staff

DEFINITIONS

1. *ACOUSTIC DEVICE*. A wireless receiving device that attaches to a telephone handset and electronically transmits communications to a recording device.
2. *COMMAND AND INTELLIGENCE CENTER MONITORING AND RECORDING*. Monitoring or recording communications of command and intelligence centers that direct operations and control forces or direct national intelligence efforts. Such communications include the disposition of armed forces, implementation of the Department of Defense (DoD) foreign intelligence mission, emergency police and fire reporting information, air traffic control, distress calls from ships and aircraft, and the coordination of actions resulting from bomb threats and hijacking incidents.
3. *COMMUNICATIONS MANAGEMENT ACTIVITIES*. Measures taken to insure the proper mechanical operation and the efficient use of DoD-owned or leased telephone communications systems. The measures include mechanical and electronic means of recording, the computer analysis of numbers of telephone calls and their duration, the number of busy signals for a given period, and the total load on a telephone system. Communications management also includes the accumulation of system-wide records of international long-distance and local calls, to include numbers called, time, and duration of calls.
4. *INDUCTIVE DEVICE*. Essentially the same as an acoustic device except that the receiving device is connected by a wire to the recording device.
5. *INTERCEPTION*. The aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device.
6. *MONITORING*. The aural acquisition of the contents of a telephone conversation by a person or persons other than the participants in the conversation.
7. *OFFICE MANAGEMENT ACTIVITIES*. The monitoring or recording of telephone conversations for business purposes by persons or devices located in the same office as one of the participants in the conversation. Office management activities include the monitoring by secretaries, administrative assistants or other non-participants in the conversation through the use of extension phones, speaker phones, or other devices and making of notes by such non-participants.
8. *PEN REGISTER*. A mechanical device that records the telephone numbers dialed from a particular telephone instrument. A pen register records telephone numbers only, not conversations.
9. *RECORDING*. The process of preserving the contents of a telephone conversation through the use of electronic, mechanical, magnetic, stenographic, or other devices. Recording does not include the making of written notes by participants in a conversation.